

CITY OF CANAL FULTON

November 16, 2004

REGULAR COUNCIL MEETING

Mayor John Grogan called the November 16, 2004 City Council meeting to order at 7:30 PM in Council Chambers at City Hall.

PLEDGE OF ALLEGIANCE

Mayor Grogan called for a Moment of Silence in Memory of Mayor Shawn Kenney.

CALLING OF THE ROLL

Present: Victor Colaianni, Nellie Cihon, Mike Mouse, Diane Downing, Linda Zahirsky

Absent: Bob Szanto

Mrs. Zahirsky made a motion to excuse Mr. Szanto due to illness; seconded by Mr. Colaianni.

ROLL CALL: Yes - ALL

OTHERS PRESENT

Mayor John Grogan, Marge Loretto, City Manager; Dale Kincaid, Law Director; Mike Rodino, Finance Director; Bill Dorman, City Engineer; Joan Porter, The Repository; Chris Pugh, The Independent; Rochelle Rossi, Bret Stephan, Scott Tillman, Sandy Smith, Alice and Dave Weinreb, Jack and Priscilla Lawrence, Robert (Terry) Kroeger, Jack Lawrence (residents)

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Cihon made a motion to accept the November 1, 2004 City Council meeting minutes; seconded by Mr. Colaianni. **ROLL CALL: Yes - ALL**

CITIZENS' COMMENTS ON AGENDA MATTERS - None

REPORTS OF ADMINISTRATIVE OFFICERS

Senior Citizens – No Report

Community Service Coordinator – No Report

Fire Chief

Chief Hill stated an engine was down, and the repair is not going to be cheap.

The Chief will meet tomorrow with the architect regarding the Fire Station at 4:30 PM; invited all.

Mr. Scott Tillman addressed Chief Hill about the October 23rd incident where it took 32 minutes before anyone responded to his 911 call and asked for an explanation. Chief Hill stated he appreciated Mr. Tillman calling him and telling him there was a problem. The Chief said they installed a new radio system, and they never had this problem before with the pagers until they installed the new system. He said their radio people hooked their system up to a computer to monitor everything to ensure everything is functioning properly but, unfortunately, they didn't start monitoring until after Mr. Tillman's problem, so he could not give him an honest answer as to whether everything was working properly on October 23, 2004. He said that in the last two days, the Red Center punched his tones and gave the message out over the wrong frequency. He was sitting in the Fire Station with two paramedics at 6:20 PM yesterday, and a call came in on Cherry Street. They took the man to Barberton Citizens Hospital. On the way there, he heard them call for a test page. He said he got home and his wife said, "You know that call at 20 after 6:00 . . . well, there was no voice . . . tones come in – no voice." Chief Hill stated they ran the test page; everything was fine. He said, "Same thing happened for my day crew this morning. The page went off; no voice." He called his radio man from Pennsylvania who came to Canal Fulton and "hooked the computer up to our system, went over our base radio, everything." The Chief said he had previously informed Council they had a one-minute delay (they hit the pagers, it would be a one-minute delay); it would go from the low-band up to the ultra-high band. They eliminated that problem today. He said Mrs. Zahirsky and he had tried two years ago to try to get the Township to put people in the Fire Station on weekends. When they wouldn't do it, they tried to get Clinton to do so. Chief Hill stated it was "so depressing that his City Council puts \$30,000 extra dollars in his budget, and they've got people who will not listen to us – to put people in the Firehouse on the weekends and get him 24 more hours of people in the Fire Station to try to do the best they can, so things like this won't happen." The Mayor said this is obviously a situation where they have to look into it, and they've taken the first steps, and he will keep Mr. Tillman well aware of the progress. The Mayor said this isn't an issue of just of a fire concern; it's an issue of community concern, and that's how it will be addressed. Mr. Mouse personally apologized and said he hoped that the Mayor and the Fire Chief are able to institute a protocol where this never happens again, and he was just glad nothing serious happened.

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Police Chief

Chief McNeely said the Police Department received over 200 applicants for the Administrative Assistant position. He requested Council approve hiring Mrs. Elaine Weitzel to replace Amy Geier. The Mayor added there would be Monday through Friday coverage. There was a lengthy discussion about the administrative assistant's pay; Mrs. Loretto said the pay classification was reclassified as a Level Three. Mayor Grogan submitted the recommendation to hire Mrs. Weitzel, based on his and Chief McNeely's recommendation.

Mrs. Cihon made a motion to accept Elaine Weitzel with the Police Chief and Mayor's recommendation as Police administrative assistant position; seconded by Mrs. Downing.

Discussion: Mr. Mouse stated, "Without the probationary period and without the entry level, I would vote against, and it's nothing personal; it's the way I do things." Mr. Colaianni stated the probationary period is automatic (six months). Mrs. Loretto said the pay rate is established (no range) by ordinance, unless Council changes it via ordinance. Mrs. Zahirsky said Mrs. Weitzel's pay will be starting at the bottom of the ordinance pay range.

ROLL CALL: Yes – 4 No – 1 (Mr. Mouse)

Engineer

Milan Street Water and Sewer Project: Construction activities are on schedule. The waterline should be complete this week or next. Sanitary sewer work will begin after Thanksgiving. They've done preliminary testing, getting good water pressure, and all is "looking good at this time."

Discovery Park Phase II: All utilities are installed, except for the pump station. That work should begin next month, along with the force main, and the final service course would be their standard to be installed "after the houses are built."

Pine Manor Senior Housing Phase I: The waterline has been completed.

Canal Place: This was addressed at the Planning Commission. The subdivision is a 9- or 10-lot "business-type subdivision" in front of Avalon being built by Smith Development.

Walnut Street: Grading is 90% complete. The new storm sewer has been constructed. The relocation of the gas line has delayed the project approximately two weeks, but it's ready to finish after that work is out of the way. Tomorrow the walks and curb will be installed. Next week (weather permitting) they will be doing the asphalt paving. Additionally, a utility pole has to be relocated.

Visitors Center/Resolution 20-04: Mr. Dorman stated previously that they were unsuccessful in getting bids on the mechanical and HVAC portion of the project two successive times. The third time, they received bids on both projects after opening the bids Friday. They made a recommendation for award Monday to Metal Masters, Inc., and Kauffman Plumbing & Heating Co. They had good bids on the general, the building and the electrical and no bids on the plumbing and heating. They now have a complete package that resulted in saving the City \$35,000.

Finance Director

Mr. Rodino stated there was a purchase order that did not make the agenda, as he received it Friday afternoon. The Mayor said that the purchase order is for the Capital Improvement that was already approved for the Police Department. Mrs. Zahirsky asked if there were grants available for items such as the MW-800 Mobile Workstation computer referenced in the purchase order. Chief McNeely replied that it runs in cycles (with Ohio Office of Criminal Justice Services) as to when grants become available, and there hasn't been any recently that he has seen. The Mobile Workstation will be in only one car. Mr. Mouse questioned if Lawrence Township had a mobile workstation computer and was told they did not.

Mayor

Mayor Grogan stated they are down to three applicants to replace Chief Hill; they will be going through interviews Thursday and Friday. It's between Mr. Meyers, Mr. Green, and Mr. Stewart.

City Manager

Mrs. Loretto was going to make an application for some additional picnic tables and benches, but they were informed by the Stark-Tuscarawas-Wayne Joint Solid Waste Management District that they have discontinued the Market Development Grant Program. She contacted David Held informing him they were disappointed because they were a welcomed addition to our City. Mrs. Loretto also invited Mr. Held to tour the downtown to see what a high profile the City had given to recycled items.

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Mrs. Loretto spoke about opening of the bids for the plumbing, heating and cooling for the Community Park's Visitors Center on November 12, 2004. They will return to Council for the authority to enter into a contract.

Council, the Mayor, and the City Manager received a letter from Ken Roberts requesting a special council meeting or the Mayor, a Councilmember, and Mrs. Loretto to attend regarding downtown business. Mrs. Zahirsky stated she wanted this to wait until next year to address. Mr. Colaianni said he felt the Main Street organization addressed a lot of Mr. Roberts' issues last Friday, and he felt Mr. Roberts' issues can be addressed by that board, rather than Council. The rest of Council agreed. Mrs. Loretto will advise Mr. Roberts of same.

Mrs. Zahirsky and Mrs. Loretto met with Paul and Matthew Addressi Tuesday about tax abatement. They are interested in getting abatement for a Mold & Machine Company they will be putting in the Canal Fulton Industrial Site.

The City received a letter from Mrs. Walter Baer requesting the City to approve waiving the ambulance charges the family incurred when their son fell from the monkey bars in Community Park. Council granted the request.

Parks – No Report

Law Director

FIRST READINGS:

Resolution 19-04: A Resolution Entering into a Contract with the Local Government Services Division of the Auditor of State's Office for \$13,690.00 for Preparation of Financial Statements, and Declaring an Emergency.

Mrs. Cihon made a motion to suspend the rules on Resolution 19-04; seconded by Mrs. Zahirsky. **ROLL CALL: Yes - ALL**

Mrs. Cihon made a motion to adopt Resolution 19-04 under suspension; seconded by Mrs. Zahirsky. **ROLL CALL: Yes - ALL**

Resolution 20-04: A Resolution Entering into Contracts with Raeder Construction Co., Kauffman Plumbing & Heating Co., Metal Masters, Inc., and Canal Fulton Electric for the Community Park Enhancements, Phase I, Approving the Purchase Order, and Declaring an Emergency.

Mrs. Cihon made a motion to suspend the rules on Resolution 20-04; seconded by Mr. Colaianni. **ROLL CALL: Yes - ALL**

Mrs. Zahirsky made a motion to adopt Resolution 20-04 under suspension; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

(NO SECOND READINGS)

THIRD READINGS:

Resolution 15-04: A Resolution Authorizing the City Manager to Amend the City's Current Agreement with First Energy Solutions Corp. Providing Aggregated Electrical Service by Extending the Term Thereof Through 2008 and Making Other Changes as Described in an Extension Proposal Dated September 30, 2004.

Mrs. Zahirsky made a motion to adopt Resolution 15-04; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

Resolution 17-04: A Resolution Authorizing the City Manager to Enter into a Five-Year Extension on the Ohio Edison Efficiency Safety Incentive Program which Governs the Cost of Electricity to City Street Lights which Currently Expires on December 31, 2004, and Declaring an Emergency. (As Amended)

Mr. Colaianni made a motion to adopt Resolution 17-04; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

Ordinance 31-04: An Ordinance Approving the Editing and Inclusion of Certain Ordinances as Parts of the Various Component Codes of the Codified Ordinances of Canal Fulton, Ohio, and Declaring an Emergency

Mr. Colaianni made a motion to adopt Ordinance 31-04; seconded by Mrs. Zahirsky. **ROLL CALL: Yes - ALL**

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PURCHASE ORDERS & BILLS

P.O. 4130 in the amount of \$7,000 made out to Motorola – Kathi Russ for a MW-800 Mobile Workstation.

Mrs. Cihon made a motion to approve P.O. 4130 in the amount of \$7,000 made out to Motorola – Kathi Russ; seconded by Mrs. Zahirsky.

Discussion: Chief McNeely explained the advantage of the mobile workstation. It gives the officer instant access to the Criminal and Traffic Database from the State; it saves time so you don't have to contact the dispatcher; it improves officer safety; it provides immediate lookouts from other Police agencies because it will be displayed on the screen immediately. There was a discussion regarding attaining grants for this type of purchase in the future.

ROLL CALL: Yes – 4 No – 1 (Mr. Mouse)

BILLS: \$425,425.89

Discussion: Mrs. Zahirsky made a note that Check 30029 made out to Miday's Nursery (\$1,800) was donated to the city for the Canal Fulton Dog Park. The donation was given to the city; the city bought the trees with it. Mrs. Loretto stated that also included additional downtown tree replacement.

Mrs. Zahirsky made a motion that Council accepts the bills in the amount of \$425,425.89; seconded by Mrs. Cihon. **ROLL CALL: Yes - ALL**

NEW BUSINESS

OLD BUSINESS

Mrs. Zahirsky said they need another appropriations meeting scheduled, and she asked Council if they want to keep the December 4th date, and they decided to start at 8:00 AM.

Mrs. Zahirsky made a motion that Council starts the December 4, 2004 meeting at 8:00 AM; seconded by Mrs. Cihon. **ROLL CALL: Yes – ALL**

Mike Taylor (co-owner of Firing Line Pistol Range) stated that he knew Council has received complaints about Saturday night noise. Mayor Grogan said he spoke with a lady that called in, and she tried to thank him; however, he told her to get in touch with Mr. Taylor. Mr. Taylor said he addressed the issue, and she showed up with a bowl of cookies and a thank-you note (he had that with him). The Mayor said she was impressed by the fact that they addressed the situation immediately, and she said that they had never had this kind of cooperation before, and that it was really refreshing. Mr. Taylor said they were going to make more improvements because there is still a little bit of noise escaping from the back around some of the old siding, etc. They are going to get some insulation for it.

OTHER BUSINESS

CITIZENS COMMENTS (Open Discussion, Five-Minute Rule)

Sandy Smith, 456 Gloria Circle: Ms. Smith spoke about the Vial of Life and left information sheets and vials regarding same with City Hall. The Vial of Life is a national program started by paramedics and firemen to enable them, when they come to the home, to be able to get accurate up-to-date information about the person and the family that they have been called to assist.

Robert Kroeger, 439 Bob Ave: Mr. Kroeger asked that Council would consider the possibility of installing a traffic light at the intersection of Dan Avenue and Locust Street because it is so hard to turn onto Locust Street. Secondly, he thanked the City Manager, as when he applied for his PERS, there were three/four years of payroll they couldn't find, and Mrs. Loretto and her staff found it. It has been submitted. Thirdly, regarding the Tillman EMS call, he said he feels there should be a contingency plan in place until the radio system is "100% properly working" so that the Chief and RED Center can ensure that doesn't happen again. He stated he was always worried about response when he was a fire chief. The Mayor requested they get together after the meeting to go over both of their ideas to solve the problem.

Jack and Priscilla Lawrence, 389 Stonewood; Mr. Lawrence stated that every spring and fall, their basement backs up with sewage and asked what could be done. Mrs. Loretto said she sent Jeff Boak to inspect it. The Lawrences thought they had a plug in it; they did not; Mr. Boak installed one. They determined there are a number of roots in the sewer system that is clogging the area where they live. The City is in the process of telling people (whose roots in that area are causing the trouble) that they are going to have to fell the trees. Mr. Kincaid stated if we have an easement, people plant "at their peril" on an easement, and the City can take the tree down. Apparently, the tree is downstream and not on the Lawrence's property. Mrs. Loretto said there should be letters going out to the people about their trees, and she would send a copy to the Lawrences.

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Dave Weinreb, 1631 Locust Street: Mr. Weinreb stated he didn't always get a chance to come to meetings often, but he does want to know what is going on – what the City "is up to." He said between changing dates of meetings, adding additional ones, and (in some cases) Council is able to have three readings in two weeks. He uses the web site to keep abreast of the minutes and notes, and he said the web site was behind schedule. The Mayor stated that the Clerk of Council has been tasked with quite a lot of different jobs (including the web site) and hopefully they will be able to balance out some of those jobs in the near future. The Mayor also stated that that is something that the City Manager will have to address.

REPORT OF COUNCIL PRESIDENT

Mrs. Zahirsky stated on today's news (Channel 3, 5, 8), there was a story about Gary and Debbie Pratt from Canal Fulton. Mrs. Pratt was in need of a kidney for about six years and has been on the waiting list at Cleveland Clinic for a very long time. Through a new kidney exchange program, her husband was able to donate his kidney to another man. That man's wife donated her kidney to Mrs. Pratt. Their son, David, is on Canal Fulton's Fire Department. Chief Hill stated she is doing great.

Mrs. Zahirsky spoke about the death of Shawn Kenney today. She stated, "Shawn and I have known each other for almost 20 years. When I first got out of law school, he made a little spot in one of his offices for me, and allowed me to rent office space from him as a neophyte . . . took me under his wing . . . beat me a couple of times with it, you know, but it was kind of a love/hate relationship. Anybody that knows Shawn knows that you could have a love/hate relationship, but he worked with me for five years before I started going to work at Babcock & Wilcox. And, I really appreciate the time that he worked with me. During that time, he was Law Director here. He was also the prosecutor, and every once in a while when he was gone, he would allow me to do the readings that the Assistant Prosecutor and Assistant Law Director . . . I got a dollar a year. I never did get the dollar, but he allowed me to do that. That was one of the things that started my interest in public service, and he moved me this way and giving of time to the city. The man just loved this city; he just loved Canal Fulton; he loved the people of Canal Fulton. He loved working here. He loved the clients that he worked for. He was just extremely dedicated to this community, and I don't think there's anyone that's going to miss him more than I do. I tell you truly; the man was a great friend to me, and I'm really going to miss him."

Mr. Kincaid stated, "It was always an interesting experience following him as Law Director because back in the 70's when I was Law Director before, Shawn played the part of Mike Mouse and dispute over taxes, and we always laughed about that. It eased my job when I came here that he took care of a lot of things. When he turned the job over to me, there were no open files. He had buttoned everything up, and that is fairly unique. Linda was kind enough to call me today, and it's a very sad, sad day. I don't think we'll ever know all the things he did for the city."

REPORT OF STANDING COMMITTEES

Mrs. Zahirsky stated the Finance Committee met tonight, and there was no resolution on the issue of tax credit. She said she thought that what was discussed is if the income tax were to go on the ballot and could be increased to 2% and they begin to get the revenue streams from that, then they could look at giving more of a tax credit than 50%. However, without the revenue first coming in on a 2% income tax, "I don't see how we could afford to give more tax credit," as they hear needs from Fire, EMS, Police, Streets, sewers . . . and "the money only goes so far, and we can't give tax credit without money coming in to take care of these services."

Mr. Weinreb stated that voters voted for the 100% tax credit last year, and "you over-ruled that." Zahirsky, "Yes." Mr. Weinreb stated, "Now, if you get this 2% on the ballot, you guarantee that you will not, you know, get rid of the 1% that you give that." Mr. Colaianni said, "You mean 100%." Mr. Weinreb, "In other words, put 2% on the ballot . . . you give 100% back, what's going to stop you from doing the same thing you did seven years ago?" Mr. Mouse said, "Nothing! Nothing! Nothing will stop the Council if it is in mind to do that . . . do exact what you say." Mrs. Zahirsky, "This Council can't stop another Council from doing anything." Mr. Mouse, "No, the only thing that would stop any Council from doing that is having that as a part of your Charter, and then it would have to be voted on again, and Council could not change the voters' will without going back to the electorate." Mr. Colaianni, "The challenge that we look at, and I work outside of town like you do, and there was an estimation of revenue shortfall given if we did 100% credit and kept the inside-the-city people who work in the city at 1.1, and it was quite significant." Mrs. Zahirsky said, "Over \$500,000 shortfall." Mr. Mouse, "No!" Mr. Colaianni, "To increase to 2% and have a 100% . . . that's something where I would like to take a serious look at it because we're right now, out of the 88 counties in Ohio and cities and municipalities, we're probably one of the lowest in the state. And I'm not saying that to burden anybody who works inside the city . . . We've just been through five meetings and going on a sixth one for a budget that people want things in the city, and we can't pay for it right now. We won't be able to pay for it with a 100% credit. I mean, I don't agree with what happened either, but now that I'm on the other side of the coin, it's a different story." Mr. Colaianni went on to say, "I would favor 2% with a 100% credit." Mr. Mouse stated, "I need to clarify something; the increase to a full credit would only cost \$274,000. If it went up to a

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quarter credit increase, it would be \$137,000 – something like that. I'm going to retire in a year. I'm the one that's bringing the tax credit up, and the reason I'm bringing it up is that every financial page that I'm reading lately . . . people are getting hit harder and harder with taxes." Mr. Mouse referred to the fact that there have been increases in people's real estate tax; the State sales tax, and your property taxes went up. When the tax assessment went through, that was un-voted tax. We had a quarter percent sales tax, county sales tax – that went in. We had a State sales tax 1%. Gasoline costs have gone up. Most people's income is not keeping up with these increases. Mr. Mouse asked what should we be doing as a Council to try to address these issues and look out for the people in Canal Fulton. He stated that Council get in this mode sometimes of trying to say they know what's best for the people. We know what you can afford; we know what's in your wallet. I'm saying I don't know what's in your wallet. I know what I read in the paper, and most peoples' wallets are getting thinner and thinner. I think that we need to try to help you to the extent we can. Most government entities are not talking in this manner. What should we be talking about if this economy doesn't come out . . . if it doesn't recover? And globalization is doing something to America. It's decreasing the standard of living; it's decreasing most peoples' earning power. Now, that's what I'm seeing . . . somebody else may be seeing plenty of jobs, all boats rising, and we're living fine. I don't see that. Maybe you guys see that; if you do, show me where you see that." Mrs. Loretto said that every McDonald's runs on more than the City's income. Mr. Mouse responded, "Well, Marge, and to your point, we'd like to have all these things. Yes, we could probably agree that there are necessities that we want. Chief came up with the thing that I want to put a computer in the cars, and I asked a question. Does Lawrence Township, which has a larger police force, greater area to cover – do they have it in their cars? No, they don't. It's nice to want things. It's nice, but you've got to be able to pay things, and when you pay things, how much money are you taking out of peoples' pockets when you pay for those things?" A woman in the audience asked, "Where is the biggest percentage of this income tax money going?" She was told the Police Department. There was a discussion about the cost of traffic lights and accidents that are "about to happen." Mrs. Loretto stated, "We couldn't put a traffic signal in there just because it would be a good idea; we have to do a Traffic Study. We have to make sure that legally we're allowed to do it." Mrs. Downing said, "You can't have it to control traffic." Mr. Kroeger said, "As far as this income tax thing . . . I've lived in this town for 65 years, and I've paid my income tax – OK – for city services, and I don't feel it's right for somebody to work out of town not to pay the city income tax. If they're going to live here, they gotta' pay to live here. That's a bunch of baloney, as far as I'm concerned, to give anybody a 100% tax credit. I worked in Akron for 20 years; I paid Akron, and I paid in Canal Fulton because I lived here, and that's the way it should be. If you live here, then you should pay like everyone else that lives here." Mr. Mouse, "The politicians in Columbus, in their infinite wisdom, they allowed people to be taxed in two places. I think . . . you would have a difficult time making the argument that paying tax and helping Cleveland, Akron, or some other community take care of their infrastructure is more important than taking care of where you live." He went on, "See, the politicians in Columbus don't have a bit of trouble taking the money out of your pocket and my pocket; I'm tired of that." Mr. Colaianni stated that it was answered the reason why the largest chunk goes to the police there is that they are the only 24/7 operation in the city.

The Executive Session was decided to be held on December 4, and it will be scheduled as a Special Council meeting.

ADJOURNMENT

Mayor Grogan adjourned the November 16, 2004 City Council meeting.

Patricia A. Schauwecker, Clerk of Council

Mayor John Grogan